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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/786,802	04/18/2001	Hans Ruckert	21753	5223

535 7590 01/27/2003

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EXAMINER

HAMILTON, ISAAC N

ART UNIT PAPER NUMBER

3724

DATE MAILED: 01/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/786,802

Applicant(s)

RUCKERT ET AL.

Examiner

Isaac N Hamilton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 08.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This Office action is in response to Paper No. 07, filed 11-15-2002.

Election/Restrictions

2. Applicant's election without traverse of claim 16 in Paper No. 07 is acknowledged.
3. Applicant's election of claim 16 in Paper No. 07 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Information Disclosure Statement

4. The information disclosure statement (IDS) submitted on 11-15-2002 is being considered by the examiner.

Specification

5. The Examiner accepts the amendments to the specification.

Claim Rejections - 35 USC § 102

6. Claims 17-24 are rejected under 35 U.S.C. 102(b) as being anticipated by DeTorre (5,423,240).

Regarding claim 17, note pair of circular blades in figure 1; steel cutting edge 35 and column 1, line 25; coated edge 36 and note depth of 0.00197 inches to 0.01972 inches in column

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2, lines 59-60. Note the range in Claim 17 corresponds to 0.00197-0.01972 inches. Note cutting paper in column 4, lines 41-50.

Regarding claim 18, note depth of 0.00197 inches to 0.01972 inches in column 2, lines 59-60. Note the range in Claim 18 corresponds to 0.00394-0.007874 inches.

Regarding claim 19, note Rockwell Hardness 60-67 in column 2, line 34; note Rockwell Hardness 69-78 in column 3, line 61. Note the range in claim 19 corresponds to Rockwell Hardness 64-74.

Regarding claim 20, note Rockwell Hardness 60-67 in column 2, line 34; note Rockwell Hardness 69-78 in column 3, line 61. Note the range in claim 20 corresponds to Rockwell Hardness 67-72.

Regarding claims 21 and 22, note tool steel and molybdenum in column 2, lines 30-32.

Regarding claim 23, note tungsten in column 3, line 60.

Regarding claim 24, note portion of molybdenum or tungsten ions that is greater than the portion of titanium ions. It is noted that the portion of titanium ions is zero. Note column 2, lines 24-27.

Response to Arguments

Applicant's arguments filed 11-15-2002 have been fully considered but they are not persuasive. Applicant asserts that the DeTorre reference is not intended for use with a paper or cardboard web or a plastic or metal foil. It is believed that DeTorre is intended for use with a paper web because it is clearly stated in the specification in column 4, lines 41-56, which states, "It is also believed that the carbide blades described would provide similar advantages...where a

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single rotating blade is employed to slit sheet materials like paper, etc.” Applicant also asserts that none of the references are relevant because they do not mention a plasma-aided hardening method. It is believed that the references are relevant because the structure described in the references is identical to the structure that is claimed in the current application. The method of how the cutting edge is manufactured does not further limit the structure.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac Hamilton whose telephone number is 703-305-4949. The examiner can normally be reached on Monday thru Friday between 8am and 5pm. If attempts to

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reach the examiner are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 703-308-1082.

In lieu of mailing, it is encouraged that all formal responses be faxed to 703-872-9302. Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is 703-308-1148.


IH

January 22, 2003


Allan N. Shoap
Supervisory Patent Examiner
Group 3700